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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/607,841	06/30/2000	Paul Marie Pierre Gavarini	BEES.001A	2341

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EXAMINER	
NGUYEN, CUONG H	
ART UNIT	**PAPER NUMBER**
3661	

DATE MAILED: 08/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/607,841	GAVARINI, PAUL MARIE PIERRE	
	Examiner	Art Unit	
	CUONG H. NGUYEN	3661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *11 February 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *15-22 and 24-37* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *15-22 and 24-37* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *6/30/2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

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1. This Office Action is the answer to the Appeal Brief received on 2/11/2005.

Status of the Claims

2. Claims 15-22, and 24-37 are pending.

Response:

3. After consulting with primary examiners in the field of claimed subject matter (classification of 707/2,4,5,10), the examiner is unpersuasive with applicant's claimed language for an inventive concept; on page 12, last paragraph, the applicant argues a computer fundamental feature of "saving search queries" or "analyzing of search queries", the examiner hereby shows that the applicant submits an IDS of Wiecha (US Pat. 5,870,717), and that reference discloses that claimed feature in col. 6 line 34 and col. 6 line 46.

On page 13, para. 5, the applicant argues that amended claim 15 is more clearly distinguish from the scenario asserted by the examiner; however, Fisher (US Pat. 6,331,858) discloses about presenting different web pages for searching and for selecting (see Fisher, claims 6, 27) – note that some claimed languages (of this claim) do not necessarily contributing to the claimed step of presenting (e.g., Fisher presents web pages to a user containing options for selections).

On page 14, section V (of the Response after Final Action), the applicant states that: "Newly added claims 32-37 involving analysis of search query histories of users", the examiner submits that Gardenswartz et al., (US Pat. 6,055,573) also disclose an analytic unit 16 coupled to a purchase history database 8, performing that claimed feature (see Gardenswartz et al., col. 6 line 63 to col. 7 line 10; and col. 15 lines 20-23).

Since a clear format of rejecting each group of independent claim is required by the Appeal Court, the examiner respectfully submits that a re-open examination is necessary.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 15, 24, and 32 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bowman et al. (US Pat. 6,169,986), in view of Fisher (US Pat. 6,331,858).

Bowman et al. teach a method/system using a computer system connecting to a network, comprising steps of:

- receiving a search query from a user (e.g., from user's inputs via a keyboard, see Bowman et al., Figs. 1-2, & 4).
- Applying/executing the search query to an electronic catalog to generate a search results list (see Bowman et al., Fig. 1 (refs. 139, 137), Figs. 7, and 9, please note that Bowman et al. inherently teach about searching an electronic catalog of amazon.com by searching Internet's database for a match with input's query after comparing).
- Displaying/presenting search results list to the user for viewing (e.g., via a monitor screen, see Bowman et al., Fig.4 – refs. 430-440, & Fig.6).

- presenting the user an option to save the query (see Bowman et al., the abstract, please note that for searching, a user uses a computer with Windows software that having claimed capability of this option: saving a search query with a name by cutting and pasting to a file etc.); this step is not inventive concept because instead of performing that saving step automatically, it has been done manually.

Bowman et al. do not disclose about presenting different web pages for searching and for selecting; however, Fisher discloses about presenting different web pages for searching and for selecting (see Fisher, claims 6, 27 – note that some claimed languages of this claim do not necessarily contributing to the claimed step of presenting).

The examiner respectfully submits that Bowman et al. also teach a structure to perform above limitations (of claim 15) in his invention as claimed in "system" claim 24.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Bowman et al., and Fisher to disclose about presenting different web pages for searching and for selecting because they already suggest available knowledge for searching on the Internet at the time of invention, and it would make the search process being organized and time-saving in looking for specific ordering/searching items; further, it would be a designer's choice to present a search result in different webpage; however, the examiner submits that a sequence of result in a list is easy to manage/control while surfing.

5. Claims 16-22, 25-31, and 33-37 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bowman et al. (US Pat. 6,169,986), in view of Fisher (US Pat. 6,331,858).

Bowman et al. teach a method, and a system using a computer system connecting to a network.

A. As to dependent claims 16, 25, 27, and 33-34:

- Bowman teaches about displaying a number of "hit" on the Internet (e.g., a numerical value indicating a number of items falling within the user-defined category.

B. As to dependent claims 17:

- Bowman teaches about "refreshing" a result list (i.e., Fig.9 ref. 900's tool-bar; "refresh" or F5 button is also shown in Internet Explore, e.g. re-executing a search query so that the numerical value accurately reflects a current state of the hits).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Bowman et al., Fisher, amazon.com, Inc.'s business practice because it would updating a status of available "hit" while looking for specific ordering/searching items.

C. As to dependent claims 18:

- The examiner respectfully submits that it would be analogous to sending an email to an address, and also simultaneously sending said email to a different address (the claim teaches that a query can be made private or public); that above analogous function can be made automatically by creating a radio button or by selecting an option.

D. As to dependent claims 19, 29, :

- Bowman also teaches about displaying on a web page as a respective hyperlink that is selectable by a user to view a corresponding set of products represented in the database (see Bowman, Fig.3 ref. 330).

E. As to dependent claims 20:

- Bowman teaches about the category name is displayed on a web page as a hyperlink that, when selected, causes a set of items within a category to be displayed (this is done by clicking button 250 after entering a query, see Bowman, Fig.2).

F. As to dependent claims 21, 30, 35, and 37:

- The examiner respectfully submits that it is old and well-known that for accuracy and time-saving, past search terms/query would be used again (re-submit) by a searcher after manually comparison against search history.

G. As to dependent claim 22:

- The examiner respectfully submits that a "future use" of presenting the user an option to save the query by assign a name for a search session is old and well-known.

H. As to dependent claims 28, and 31: It is directed to a system comprising:

- a server, and monitor(s) for displaying selectable categories in an electronic catalog in a specific display order (e.g., after sorting obtained "hits"; Bowman teaches that structure - see Bowman, Fig.1, refs. 110, 130, 132, and 137).

I. As to dependent claim 36:

- The examiner respectfully submits that it is old and well-known that a step of including the persistent link within a personal categories page in which the persistent link serves as one of a plurality of item categories that are selectable to browse the electronic repository (e.g., amazon.com has a feature of "similar items" or "**Customers who viewed this item also viewed:**", furthermore, amazon.com counts a number of time of visit to a particular page (of a user) is counted)..

In summary, the examiner respectfully submits that Bowman suggests features to storing a search query as defined by a user (e.g., a specific search command (for a particular search/a searched file) can be saved using "Bookmark"/"Favorite" functions on Bowman's Netscape/Internet Explorer); and a user could browse a catalog of

amazon.com website using previously stored search query/concept (e.g., for non-fiction books vs. fiction books categories .etc.), and using merchant-defined categories (e.g., books vs. electronic equipment categories from amazon.com because amazon.com already streamlines different categories for easy surfing).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Bowman et al., Fisher, amazon.com, Inc.'s business practice because it would make the search process being organized and time-saving in looking for specific ordering/searching items.

Conclusion

6. Claims 15-22, and 24-37 are not patentable.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CUONG H. NGUYEN whose telephone number is 571-272-6759. The examiner can normally be reached on 7:30 am - 3:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, THOMAS G. BLACK can be reached on 571-272-6956. The Rightfax number for the organization where this application is assigned is 571-273-6956.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

cuonghnguyen

CUONG NGUYEN
PRIMARY EXAMINER